



CITY OF SANTA BARBARA

ORDINANCE COMMITTEE AGENDA REPORT

AGENDA DATE: August 19, 2008

TO: Ordinance Committee

FROM: Planning Division, Community Development Department

SUBJECT: Project Compatibility Review Criteria

RECOMMENDATION:

That the Ordinance Committee review proposed amendments to the Architectural Board of Review Ordinance 22.68 and Historic Structures Ordinance 22.22 involving a new process for evaluating project compatibility and design review considerations.

EXECUTIVE SUMMARY:

Implementing Municipal Code amendments to establish development project compatibility review criteria for the City Design Review process will strengthen project reviews and assist the City's decision makers in achieving better projects. Staff is returning to the Ordinance Committee with a recommendation to forward the proposed amendments to City Council for introduction and adoption.

The City Council also voted recently to request that the Ordinance Committee consider a potential interim height limitation ordinance as a timely response to community concerns over tall buildings and to provide direction to Staff on what should be further studied as part of the *PlanSB* EIR. Staff believes, however, that such an interim ordinance requires more consideration and public discussion in order to properly address issues concerning building heights, open space, setbacks, public benefit land uses, as well as the size and number of units for projects already in the pipeline while the *PlanSB* process is underway. Therefore, staff recommends that the attached project compatibility review criteria be considered immediately and that the Ordinance Committee discussion on an interim ordinance be deferred until in October or November 2008.

DISCUSSION:

Background

The issue of large and tall buildings in El Pueblo Viejo District has been a principal issue of ongoing discussions in the community. There is concern that certain pending projects will

negatively alter the city's small-town character and that some action may be necessary to restrict building heights and improve the review process. However, Planning staff believes that the planning policies and design guidelines currently in place to help decision-makers limit building heights have not always been utilized effectively. To strengthen project reviews, Planning staff supports amending the Municipal Code to reference existing City guidelines and to establish specific project review factors for use by the design review and land use decision-makers (see Attachment 1). In addition, through Plan Santa Barbara (*PlanSB*) a variety of changes to City policies are being considered, including re-examining variable density zoning standards in order to encourage smaller size dwelling units, increasing building setbacks and step-backs for taller buildings, and special standards for projects near historic structures in El Pueblo Viejo District and adjoining residential areas. Council has also directed staff and the Ordinance Committee to consider an interim ordinance as the *PlanSB* process continues.

Ordinance Committee Review

On February 12, 2008 the Ordinance Committee reviewed a proposal to consider a new project compatibility tool for projects subject to review and approval by the Planning Commission, Historic Landmarks Commission (HLC), and Architectural Board of Review (ABR) (see Attachment 2).

The Ordinance Committee meeting discussion introduced a proposal centered on a specific set of questions to be utilized by the HLC/ABR for verifying that projects are compatible with surrounding development. Improved communication between the ABR/HLC and the Planning Commission is necessary so that the ABR/HLC can identify design or maximum height concerns and clearly convey these concerns in their early concept review comments to the Planning Commission. Consideration of compatibility criteria would serve as an analytical tool and a project review framework to more carefully consider the possible size, bulk, scale and height issues with any proposed development. ABR and HLC members would also use these proposed questions to ensure compliance with the City's Urban Design Guidelines and foster greater communication with the Planning Commission on specific design issues, such as project compatibility and building height.

Planning staff proposed six initial factors for discussion and review by the Ordinance Committee and took public comment on the draft compatibility review topics which generally consisted of the following subjects:

- Compliance with ordinances and general consistency with City design guidelines
- Architectural character compatibility
- Appropriate size, mass, bulk, height and scale
- Sensitive to adjacent Historic Landmarks/Resources
- Protection of public views of the ocean and mountains

- Sufficient open space and landscaping

The proposed draft criteria were reviewed by the ABR and HLC in late 2007. Staff has also consulted with the City Attorney's Office to refine the proposed review criteria based on the comments received from the ABR and HLC.

In February 2008, the Council Ordinance Committee reviewed how project compatibility criteria could be integrated into the City's review process. In response to questions posed, the Ordinance Committee provided the following direction (**shown in bold**) regarding how the compatibility criteria/ findings would be implemented.

1. What types of projects require these criteria/finding considerations? **All new structures and major building additions.**
2. Should some projects be exempt from this type of review consideration? **No.**
3. Should the consideration review criteria be expanded or reduced? **Some interest in exploring expressed if "Community benefit" finding could be basis to allow more height in projects; Staff to research.**
4. Is the question format appropriate or are there other suggestions from the Committee? Yes - **Format acceptable.**

To fully understand how the proposed project compatibility review factors would be implemented, the City's discretionary review process was also reviewed. Where the ABR or HLC is the sole discretionary review, the ABR or HLC would consider the compatibility review criteria questions prior to granting preliminary design approval for a project.

If a project also requires a land use approval from the Staff Hearing Officer (SHO), Planning Commission (PC) or City Council (CC), the ABR/HLC would be required to consider the review criteria factors during concept review and to formulate specific written comments to the CC/PC/SHO as the ABR or HLC deem necessary. The expectation is that the SHO/PC/CC would also use the compatibility review criteria and the ABR or HLC comments to guide their design decisions on any findings required for approval.

Planning staff and the City Attorney's Office expressed concerns that the project approval process could be negatively impacted if the ABR/HLC and PC/SHO were both required to make project compatibility or land use findings on the same project. Conflicts could result on project reviews if the decision-making bodies were to disagree on the ability to make the findings. It was agreed that the best solution was to format the review criteria as design factors and not as specific land use findings.

Staff had also proposed some draft language that attempted to explain the authority limits and purview for discretionary decisions. However, comments received from the public and from board members centered on concerns with what appeared to be a proposal for the ABR/HLC to be obligated to approve all projects after a PC approval. The February 2008

staff report had stated that the PC approval decision would be recognized as the “substantive” approval decision on a project’s approved site plan and building height.

In February 2008, the Ordinance Committee was of the opinion that this new clarification statement was problematic and that there could be instances where the ABR/HLC disagree with a Planning Commission/SHO land use approval decision. Ultimately, it was decided that where conflicts might arise between a design review board and a land use board, it would be acceptable for these types of projects to be appealed to the City Council for a final resolution. As a result, Staff was directed to remove this aspect of the draft from the proposal and to bring back the draft revisions to the Ordinance Committee (see minutes, Attachment 3).

PlanSB

The Ordinance Committee asked staff to research if additional criteria for examining public benefits could be considered. In *PlanSB*, the City is engaging the community in ongoing discussions to consider a variety of options including defining the concept of “community benefit” land uses and when larger affordable housing, multi-story commercial and mixed-use development projects could be supported. Staff is concerned about inserting this type of question into the project design compatibility criteria alone without a clear definition of what constitutes a “community benefit.” Instead, it prefers that such broader issues continue to be considered in *PlanSB* and, if deemed appropriate, handled on a programmatic basis through amendments to the Municipal Code.

It is staff’s belief that property owners, developers, and architects need a clear understanding of what design incentives are strongly encouraged to be incorporated into project designs, especially for taller mixed-use or multi-family developments in commercial zones. To further improve project reviews, the City may want to develop incentives or higher design standards that require builders to achieve exemplary building designs in order to achieve added floor area, greater height, or density bonuses. However, it is Staff’s view that this question will need to be further developed in *PlanSB*.

Interim Ordinance / Next Steps

In response to concerns regarding the recent development projects involving large and tall buildings, several members of the community began an initiative drive to amend the City Charter to lower the maximum building height. Council has also recently debated the question of what interim actions the City should initiate, if any, to address the height and size concerns. Based on staff experience and what was learned from the public input in the recent *PlanSB* workshops, it appears that public opinion on the issue of building height is varied. Apparently, there is agreement that community character and building heights are important, yet there is a range of opinions involved on how best to achieve this.

Staff believes that if additional land use regulations are desired to limit building heights, then the preferred and most legally defensible approach is for the City Council to provide guidance on how to revise specific development standards for commercial and mixed-use type buildings in order to achieve the desired building forms or heights. Possible changes to variable density, zoning, the use of "buffers," open space amenities, landscaping requirements, parking, number of stories and required setbacks for structures in commercial zones should all be considered and the proposed changes factored into the appropriate environmental review being conducted as part of the PlanSB. Clearly, more public dialogue and understanding of the building height issue and how it relates to a larger sustainable community vision is needed. However, staff feels these project compatibility review criteria before the Ordinance Committee today should possibly be adopted immediately. Staff would expect to return to the Ordinance Committee in October or November with further discussion of this subject, following Council direction as it formally initiates the *PlanSB* project description for the EIR.

RECOMMENDATION:

Implementing an ordinance stressing certain project compatibility factors and review criteria for the Design Review process would be a valuable tool and will assist the City in achieving better projects. Staff recommends that the Ordinance Committee review the Draft Ordinance, provide staff direction on any suggested changes and forward the proposed amendments to City Council for possible introduction and adoption.

- ATTACHMENTS:**
1. Draft ordinance
 2. Ordinance Committee Report with attachments dated 2-12-2008
 3. Ordinance Committee Minutes dated 2-12-2008

PREPARED BY: Jaime Limón, Senior Planner II

SUBMITTED BY: Paul Casey, Community Development Director

APPROVED BY: City Administrator's Office

Ordinance Committee Discussion 8/19/08
SHOWING CHANGES FROM EXISTING CODE
New language in underline

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE
CITY OF SANTA BARBARA AMENDING
CHAPTERS 22.22, 22.68, 27.07, 28.05
AND 28.06 OF TITLE 28 OF THE SANTA
BARBARA MUNICIPAL CODE FORMALIZING
THE PROJECT COMPATIBILITY ANALYSIS
PROCESS FOR THE CITY NON-
RESIDENTIAL DESIGN REVIEW BOARDS.

THE COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS
FOLLOWS:

SECTION 1. Chapter 22.22 of Title 22 of the Santa Barbara
Municipal Code is amended by adding Section 22.22.145 to
read as follows:

22.22.145 Project Compatibility Analysis.

A. PURPOSE. The purpose of this section is to promote effective and appropriate communication between the Historic Landmarks Commission and the Planning Commission or Staff Hearing Officer in the review of development projects and to promote consistency between the City land-use decision making process and the City design review process.

B. PROJECT COMPATIBILITY FACTORS. In addition to any other considerations and requirements specified in this Code, the following factors shall be considered by the Historic Landmarks Commission when it reviews and approves the design of a proposed a development project in a noticed public hearing pursuant to the requirements of Section 22.22.132:

1. Compliance with City Charter and Municipal Code; General Consistency with Design Guidelines. Does the proposed development fully comply with the City Charter and applicable Municipal Code requirements? Is the project's design generally consistent with Design Guidelines applicable to the location of the project within the City?

2. Compatible with Architectural Character of City and Neighborhood. Is the proposed design of the proposed development compatible with the distinctive architectural character of Santa Barbara and of the particular Neighborhood surrounding the project?

3. **Appropriate size, mass, bulk, height, and scale.** Is the size, mass, bulk, height, and scale of the proposed development appropriate for its neighborhood?

4. **Sensitive to Adjacent Landmarks and Historic Resources.** Is the design of the proposed development appropriately sensitive to adjacent City Landmarks and other designated historic resources, including designated historic structures of merit, sites, or natural features?

5. **Public Views of the Ocean and Mountains.** Does the design of the proposed project respond appropriately to established public views?

6. **Appropriate Amount of Open Space and Landscaping.** Does the design of the proposed development include an appropriate amount of project open space and landscaping?

C. PROCEDURES FOR CONSIDERING PROJECT COMPATIBILITY.

1. **Projects with Design Review Only.** If a project only requires design review approval from the Historic Landmarks Commission pursuant to the provisions of this Chapter and does not require some other form of discretionary land use approval, the Historic Landmarks Commission shall consider the factors listed in Subsection B above during the course of its review of the project design prior to the issuance of its preliminary design approval for the project.

2. **Projects with Design Review and Other Discretionary Approvals.** If, in addition to design review by the Historic Landmarks Commission, a project requires a discretionary land use approval (either from the Staff Hearing Officer, the Planning Commission, or the City Council), the Historic Landmarks Commission shall review and discuss the factors listed in Subsection B above, during its conceptual review of the project and shall provide its comments on those factors as part of the minutes of the Commission decision to be provided to the Staff Hearing Officer, the Planning Commission, or the City Council (as the case may be) as deemed appropriate by the Historic Landmarks Commission.

SECTION 2. Chapter 22.68 of Title 22 of the Santa Barbara Municipal Code is amended by adding Section 22.68.045 to read as follows:

22.68.045 Project Compatibility Analysis.

A. PURPOSE. The purpose of this section is to promote effective and appropriate communication between the Architectural Board of Review and the Planning Commission or Staff Hearing Officer in the review of development projects and to promote consistency between the City land-use decision making process and the City design review process.

B. PROJECT COMPATIBILITY FACTORS.

In addition to any other considerations and requirements specified in this Code, the following factors shall be considered by the Architectural Board of Review when it reviews and approves the design of a proposed development project in a noticed public hearing pursuant to the requirements of Chapter 22.68:

1. Compliance with City Charter and Municipal Code; General Consistency with Design Guidelines. Does the proposed development fully comply with the City Charter and applicable Municipal Code requirements? Is the project's design generally consistent with Design Guidelines applicable to the location of the project within the City?

2. Compatible with Architectural Character of City and Neighborhood. Is the proposed design of the proposed development compatible with the distinctive architectural character of Santa Barbara and of the particular Neighborhood surrounding the project?

3. Appropriate size, mass, bulk, height, and scale. Is the size, mass, bulk, height, and scale of the proposed development appropriate for its neighborhood?

4. Sensitive to Adjacent Landmarks and Historic Resources. Is the design of the proposed development appropriately sensitive to adjacent City Landmarks and other designated historic resources, including designated historic structures of merit, sites, or natural features?

5. Public Views of the Ocean and Mountains. Does the design of the proposed project respond appropriately to existing public views?

6. Appropriate Amount of Open Space and Landscaping. Does the design of the proposed development include an appropriate amount of project open space and landscaping?

C. PROCEDURES FOR CONSIDERING PROJECT COMPATIBILITY.

1. Design Review Only. If a project only requires design review approval from the Architectural Board of

Review pursuant to the provisions of this Chapter and does not require some other form of discretionary land use approval, the Architectural Board of Review shall consider the topics listed in Subsection B during the course of its review of the project design prior to the issuance of a preliminary design approval for the project.

2. Design Review and Other Discretionary Approvals.
If, in addition to design review by the Architectural Board of Review, a project requires a discretionary land-use approval (either from the Staff Hearing Officer, the Planning Commission, or the City Council), the Architectural Board of Review shall review and discuss the factors listed in Subsection B above, during its conceptual review of the project and shall provide its comments on those factors as part of the minutes of the Commission decision to be provided to the Staff Hearing Officer, the Planning Commission, or the City Council (as the case may be) as deemed appropriate by the Architectural Board of Review.

SECTION 3. Chapter 27.07 of Title 27 of the Santa Barbara Municipal Code is amended by adding a new subsection (B) to Section 27.07.080 to read as follows:

27.07.080 Advisory Agency Action.

A. PUBLIC HEARING. Prior to taking any action on an application for a tentative map, the Advisory Agency shall conduct a public hearing at which time the Advisory Agency shall: (1) receive a report on the design and improvement of the proposed subdivision from the Community Development Department with staff recommendations, (2) at the election of the applicant, receive a presentation regarding the proposed subdivision, and (3) receive public comment from interested persons. Following the close of the public hearing, the Advisory Agency shall approve, conditionally approve or disapprove the tentative map for the proposed subdivision.

B. COMPATIBILITY FACTORS. In the course of taking action on an application for a tentative map, the Advisory Agency shall take into consideration the comments of the Architectural Board of Review provided pursuant to the requirements of section 22.68.045 or the comments of the Historic Landmarks Commission pursuant to section 22.22.145 (as the case may be) and, in issuing a decision on the application for a tentative map, the Advisory Agency shall provide written comments on how the ABR or HLC comments affected the Advisory Agency's decision.

C. TIME FOR CONSIDERATION. The time limits for reporting

and acting on tentative maps shall be consistent with the Subdivision Map Act and any other pertinent state law. The time limits specified in this Section for reporting and acting on tentative maps may be extended by mutual consent of the subdivider and the Advisory Agency. In the event the Advisory Agency continues its consideration of a map beyond such time limit, the consent of the subdivider to such extension shall be presumed when the subdivider has notice of the continuance and fails to file a timely protest.

D. AUTHORITY. The Advisory Agency is authorized to require dedications or reservations of land within the subdivision for public uses such as streets, highways, parks, schools, drainage, flood control, access easements or other uses as a condition for the approval of the tentative map.

SECTION 4. Chapter 27.07 of Title 27 of the Santa Barbara Municipal Code is amended by amending paragraph (A)(2) of Section 27.07.090 to read as follows:

27.07.090 Appeals and Suspensions.

A. FROM DECISIONS OF THE STAFF HEARING OFFICER.

1. Suspensions. The Chairperson, Vice Chairperson or other designated member of the Planning Commission may take action to suspend any decision of the Staff Hearing Officer serving as the Advisory Agency and to schedule a public hearing before the Planning Commission to review said decision. The notice of suspension must be filed with the Community Development Department within ten (10) calendar days of the date of the Staff Hearing Officer's decision. The Community Development Department shall prepare a report to the Planning Commission with Staff recommendations, including all maps and data and a statement of findings setting forth the reasons for the Staff Hearing Officer's decision. In the case of such suspension and review of the Staff Hearing Officer's decision, the Planning Commission shall serve as the Advisory Agency. The Planning Commission shall affirm, reverse, or modify the decision of the Staff Hearing Officer after conducting a public hearing. Notice of the time and place of the public hearing shall be given in accordance with the notice required for the public hearing before the Staff Hearing Officer.

2. Appeals. The decisions of the Staff Hearing Officer serving as the Advisory Agency may be appealed to the Planning Commission serving as the Appeal Board by the applicant or any interested party adversely affected by the decision of the Advisory Agency. The appeal must be filed with the Community Development Department within ten (10) calendar days of the date of the Staff Hearing Officer's decision unless a longer appeal period is allowed for other actions taken concurrently with the decision on the

application, in which case the longer appeal period shall prevail. The appellant shall state specifically in the appeal how the decision of the Staff Hearing Officer is not in accord with the provisions of this Title or the Subdivision Map Act or how it is claimed that there was an error or an abuse of discretion by the Staff Hearing Officer. The Community Development Department shall prepare a report to the Planning Commission with staff recommendations, including all maps and data and a statement of findings setting forth the reasons for the Staff Hearing Officer's decision. The Planning Commission shall affirm, reverse, or modify the decision of the Staff Hearing Officer following a public hearing. When acting as the Appeal Board, the Planning Commission shall comply with the requirements of Subsection B of Section 27.07.080 of this Code regarding the consideration of compatibility factors in the course of its action on the application. Notice of the time and place of the public hearing shall be given in accordance with the notice required for the public hearing before the Staff Hearing Officer; however, in addition to any other required notice, written notice shall be sent by first-class mail to the appellant.

B. FROM DECISIONS OF THE PLANNING COMMISSION. The decisions of the Planning Commission, including decisions on suspensions or appeals from decisions of the Staff Hearing Officer, may be appealed to the City Council serving as the Appeal Board by the applicant or any interested party adversely affected by the decision of the Planning Commission. The appeal must be filed with the City Clerk within ten (10) calendar days of the date of the Planning Commission's decision unless a longer appeal period is allowed for other actions taken concurrently with the decision on the application, in which case the longer appeal period shall prevail. The appellant shall state specifically in the appeal how the decision of the Planning Commission is not in accord with the provisions of this Title or the Subdivision Map Act or how it is claimed that there was an error or an abuse of discretion by the Planning Commission. Prior to the hearing on said appeal, the City Clerk shall inform the Community Development Department that an appeal has been filed thereon, and the Community Development Department shall prepare a report to the City Council with staff recommendations, including all maps and data and a statement of findings setting forth the reasons for the Planning Commission's decision. The City Council shall affirm, reverse, or modify the decision of the Planning Commission following a public hearing. Notice of the time and place of the public hearing shall be given in accordance with the notice required for the public hearing before the Planning Commission; however, in addition to any other required notice, written notice shall be sent by first-class mail to the appellant.

C. TIME FOR CONSIDERATION. The time limits for acting on appeals from decisions of the Advisory Agency regarding

tentative maps shall be consistent with the Subdivision Map Act and any other pertinent state law. The time limits for acting on suspensions shall conform with the time limits for appeals. The time limits specified in this Section for reporting and acting on tentative maps may be extended by mutual consent of the subdivider and the Appeal Board.

D. FEES. Each appeal shall be accompanied by the appeal fee in the amount established by resolution of the City Council. No fee shall be charged for a suspension of a Staff Hearing Officer action by the Chairperson, Vice Chairperson or other designated member of the Planning Commission.

SECTION 5. Chapter 28.05 of Title 28 of the Santa Barbara Municipal Code is amended by adding a subsection (B) to Section 28.05.010 to read as follows:

28.05.010 Staff Hearing Officer; Project Compatibility Factors.

A. Staff Hearing Officer Authority. The Staff Hearing Officer means the Community Development Director or his or her designee. For purposes of this Title 28, the Staff Hearing Officer shall have the authority to investigate, approve, approve with conditions, or deny applications for development as specified in this Title 28. Notwithstanding any provision of this Code designating the Staff Hearing Officer as the reviewing body, if an application requires review by the Planning Commission under any provision of this Code, then all discretionary review of the application shall be conducted by the Planning Commission.

B. COMPATIBILITY FACTORS. In making those land-use decisions authorized for the Staff Hearing Officer by Title 28 of the Municipal Code, the Staff Hearing Officer shall take into consideration the comments of the Architectural Board of Review provided pursuant to the requirements of section 22.68.045 and the comments of the Historic Landmarks Commission pursuant to section 22.22.145 (as the case may be) and, in issuing a project approval or a project denial, the Staff Hearing Officer shall provide written comments on how the ABR or HLC comments affected the Staff Hearing Officer's decision.

SECTION 6. Chapter 28.06 of Title 28 of the Santa Barbara Municipal Code is amended by Section 28.06.010 to read as follows:

Section 28.06.010 Powers and Duties.

The Planning Commission of the City shall exercise the following functions:

1. All actions provided by the Zoning Ordinance to be performed by the Planning Commission in connection with applications for modifications, variances, special use permits, conditional use permits, site plans, plot plans, development plans and planned residence developments.
2. Make recommendations to the City Council for amendments to the text of the Zoning Ordinance.
3. Act as Advisory Agency for subdivisions as provided for in Title 27 of this Code.
4. In making those land-use decisions authorized for the Planning Commission by Title 28 of the Municipal Code, the Commission shall take into consideration the comments of the Architectural Board of Review provided pursuant to the requirements of section 22.68.045 or the Historic Landmarks Commission pursuant to section 22.22.145 (as the case may be) and, in issuing a project approval or a project denial, the Commission shall provide written comments on how the ABR or HLC comments affected the Commission's decision
5. Such other functions as may be assigned by the City Council.

**CITY OF SANTA BARBARA****ORDINANCE COMMITTEE AGENDA REPORT**

AGENDA DATE: February 12, 2008

TO: Ordinance Committee

FROM: Planning Division, Community Development Department

SUBJECT: Project Compatibility Analysis

RECOMMENDATION: That Ordinance Committee:

- A. Review proposed amendments to the Architectural Board of Review Ordinance 22.68 and Historic Structures Ordinance 22.22 involving new project compatibility analysis tools; and
- B. Provide direction to staff and forward to Council for introduction and adoption.

DISCUSSION:

Background

On July 18, 2007, the City Planning Division organized a joint workshop with members of Council, Planning Commission, Historic Landmarks Commission (HLC), and Architectural Board of Review (ABR) to:

- 1. Hear a staff presentation titled "Community Design/Compatibility of New Development Issues: Size, Bulk, Scale and Height."
- 2. Review and discuss existing policies, guidelines and findings for approval of large projects, including mixed-use and new condominium development;
- 3. Evaluate whether additional standards and/or findings of approval should be required; and
- 4. Discuss questions/issues to be considered in Plan SB Round 2 workshops.

The staff presentation gave all workshop attendees background on the history of land use policies that had helped guide major land use decisions in the past ten years.

REVIEWED BY: _____ Attorney

Agenda Item No. 1

120.03

Workshop participants were informed that adopted "smart growth" policies and implementation strategies that encourage residential and mixed-use development along or near transit corridors in the urban downtown have been successful but also raise some concerns regarding community design and the desired small town character for Santa Barbara. Due to high land costs, developers are more likely to propose mixed-use developments with larger condominium units and taller building heights. In addition, the composition of recent mixed-use developments include larger upper-story units which when combined with reduced setbacks, contributed to larger and taller scale development patterns.

The meeting generated good dialogue among participants, and the group discussions that followed produced several ideas relative to short-term and long-term changes that could be implemented to assist the decision makers to improve on their ability to make good decisions relative to proposed tall project developments. Long term suggested changes included re-examining variable density zoning standards to encourage smaller size dwelling units, increasing front yard building setbacks for taller buildings, and new height standards for El Pueblo Viejo District. Planning staff has indicated that these long-term changes should be considered as part of the General Plan update discussions.

There was also support of short-term ideas or changes. One such suggested change was development of new tools for checking that projects were indeed compatible with surrounding development. The ABR and HLC members recognized that some newly constructed mixed use projects may not have had sufficient project compatibility analysis at the concept level to ensure compliance with adopted Urban Design Guidelines. One suggestion included the development of new project compatibility findings for tall buildings. The intent of the proposed findings was to reaffirm the ABR and HLC's role in evaluating a project's proposed height and compatibility with existing development at the Concept Review and to serve as a checklist of necessary issues that the Design Review Board would need to consider and comment on prior to the project proceeding to the Planning Commission or Staff Hearing Officer (SHO). The findings would be made at the Preliminary Approval level.

ABR/HLC Review of Draft Findings

Planning staff developed five initial draft findings for discussion and review by the ABR and HLC. The ABR and the HLC held separate discussions and took public comment on the proposed draft compatibility findings which generally consisted of the following subjects:

- Appropriate size, bulk, height and scale compatibility
- Architectural character compatibility
- Compatibility with adjacent Historic Landmarks/Resources
- Sufficient open space and landscaping
- General Consistency with adopted design guidelines

Staff initially believed that the findings might be required when a specific height of building was proposed and asked for direction from the Boards to better identify when the proposed findings might be required.

The ABR was first to review the proposed draft findings on October 22, 2007 and asked for some minor wording changes to the findings (see Attachment 1). The ABR also indicated it was their consensus opinion that the proposed findings apply only to development projects that were being referred to either the Planning Commission or Staff Hearing Officer (SHO).

The proposed draft findings were slightly revised and reviewed again on November 5, 2007, where the ABR asked the findings be renumbered and continued to voice some concern whether some of the findings were conflicting or redundant. For example the ABR had questions whether the use of a finding that required projects to have "sufficient" landscaping" was too vague and open to subjectivity concerns. The proposed finding has since been revised to ensure that projects will have "an appropriate amount of open space and landscaping."

The HLC reviewed the draft findings on October 31, 2007 and agreed with the ABR's direction regarding application of the findings. Similarly the HLC requested that some minor modifications be made to a finding to clarify that compatibility with all adjacent historic resources will be considered. The HLC voted unanimously to forward the findings to Council for adoption (see Attachment 2).

Staff has consulted with the City Attorney's Office to refine the proposed findings based on the comments received from the ABR and HLC. As staff further considered the proposed findings, an additional finding concerning existing public views was added for consideration by the Ordinance Committee.

Project Approval Process Concerns

As staff further examined how project compatibility findings would be integrated into the City's review process, concerns developed. Planning staff and the City Attorney's Office are concerned that the project approval process could be negatively impacted if the ABR/HLC and Planning Commission/SHO were to be required to make project compatibility findings on the same project. Conflicts could result on project reviews if both decision-making bodies were to disagree on the ability to make the findings. In order to avoid this potential conflict and to establish clear roles in the review process, Staff believes some additional adjustments to the proposal are necessary. Therefore, Staff reconsidered whether new project approval findings was the correct approach and is now recommending a simpler approach.

Staff is recommending that "consideration of review topics" be the implementation tool and the following process for project reviews be established:

Where the ABR or HLC is the sole discretionary review: The ABR or HLC would consider the review topics prior to granting Preliminary approval of a project (see Attachment 3).

If a project also requires approval from the SHO, Planning Commission (PC) or City Council (CC), the ABR/HLC would be required to consider the criteria during concept review and to formulate comments to the CC//PC/SO as the ABR or HLC deem necessary. The PC or SHO would be required to consider the compatibility criteria and the ABR or HLC comments when reviewing the project. The expectation is that the SHO/PC/CC would use the compatibility criteria and the ABR or HLC comments to guide their decisions on any findings required for approval. The PC/SO/CC approval decision would be recognized as the "substantive" approval decision on a project's approved site plan and building height. Once the project is approved by the PC/SO, the ABR or HLC would be required to grant Preliminary Approval to the project if the plans are in substantial conformance to the plans approved by the PC/SO, subject to any directions or conditions included in the PC/SO approval. The ABR or HLC could not seek significant reductions to height or major site plan changes unless the project approval had specific directions to do so.

Discussion Issues

Staff is seeking Ordinance Committee direction on specific questions that require further discussion relating to when and how the compatibility findings or criteria would be utilized.

Remaining questions consist of:

1. What types of projects require these considerations?
2. Should some projects be exempt from this type of review consideration?
3. Should the consideration review criteria be expanded or reduced?
4. Is the question format appropriate or are there other suggestions from the Committee?

Implementation Issues

Staff is aware that the introduction of new compatibility findings or review criteria for project approval at the design review level may involve some additional level of analysis by Planning staff. Questions remain as to how Planning Staff and the ABR or HLC will analyze projects at the early concept review level. Different tools such as the use of checklists or the staff reports could assist in forming a staff recommendation on whether the project compatibility findings could be made. There is some disagreement on whether these tools would be helpful or necessary at conceptual reviews. Planning Staff will work with the ABR and HLC to implement the new use of new project approval findings and to determine the level of assistance that is requested.

RECOMMENDATION:

Staff recommends the Ordinance Committee review the proposal outline, provide staff direction on remaining questions or any suggested changes and forward the proposed amendments to City Council for introduction and adoption.

ATTACHMENTS:

1. ABR Minutes dated 10/22/07 and 11/05/07
2. HLC Minutes dated 10/31/07
3. Outline of Proposal

PREPARED BY: Jaime Limón, Senior Planner II

SUBMITTED BY: David Gustafson, Acting Community Development Director

APPROVED BY: City Administrator's Office

ABR MINUTES OCTOBER 22, 2007

MISCELLANEOUS ACTION ITEM:

Review and provide comments on Draft Findings for ABR Project Approvals. Recommendation to forward findings to City Council for adoption.

Staff: Jaime Limon, Senior Planner.

Draft Findings:

In order to approve new and remodeled structures that will result in heights that will be greater than 7 feet from natural grade, the following findings must be made by the ABR and/or Planning Commission:

1. The development will be compatible with the site, and surrounding structures, and its size, mass, and scale will be appropriate for its location within the City;
2. The development will be compatible with the distinctive architectural character of Santa Barbara and the surrounding neighborhood;
3. The height of the development will be compatible with immediately adjacent developments;
4. The development will have sufficient open space and landscaping;
5. The development will be consistent with the City's Urban Design Guidelines; and
6. The development will be consistent with the ABR's Design Guidelines

Public comment opened at 3:54 p.m.

Judy Orias, former Planning Commissioner: suggested changing the word "will" to "is"; consider sunlight and shadows in El Pueblo Viejo District; wording must be as clear; parks are needed to offset density; given the things the Board does not have control over, it is important to recognize the middle of the road.

Public comment closed at 3:59 p.m.

Board's individual and collective comments:

1. Finding Item #1: suggested adding: "and height"
2. Finding Item #3: suggested adding "adjacent to city historic and landmark structures"
3. Finding Item #4: suggested stating "sufficient landscape" with Board taking a straw vote
4. Finding Item #4: concerned that "sufficient landscaping" is open for interpretation
5. Finding Preamble: Various suggestions were made to revise the wording on the preamble such as adding "new construction", and revising the findings trigger. The Board decided that the trigger for making the compatibility findings should be solely for projects that are being reviewed by the SHO or Planning Commission.

Motion: Continued indefinitely back to Full Board for review of revised

Findings:

Action: Manson-Hing/Zink, 7/0/0. Motion carried. (Blakeley absent.)

ABR MINUTES NOVEMBER- 5, 2007

MISCELLANEOUS ACTION ITEM:

(3:25)

Review and comment on Revised Draft Findings for ABR Project Approvals. Recommendation to forward findings to City Council for adoption.

Staff: Jaime Limon, Senior Planner.

Mr. Limon presented the Revised Draft Findings:

~~In order to approve new and remodeled structures that will result in heights that will be greater than 7 feet from natural grade, the following findings must be made by the HLC. All development projects subject to approval review by the Planning Commission and Staff Hearing Officer will require project compatibility findings to be made by the Architectural Board of Review or Historic Landmarks Commission. The Architectural Board of Review or Historic Landmarks Commission shall provide specific comments at Concept Review indicating if the compatibility findings as listed below can be made for the project:~~

1. The development will be compatible with the site, surrounding structures, and its size, mass, *height*, and scale will be appropriate for its location within the City;
2. The development will be compatible with the distinctive architectural character of Santa Barbara and the surrounding neighborhood;
3. The height of the development will be compatible with adjacent *City Landmarks and historic resources*;
4. The development will have sufficient open space and landscaping; and,
5. The development will be consistent with the City Charter, City Ordinances, Urban Design Guidelines, and other applicable Design Guidelines.
6. ~~The development will be consistent with the ABR's Design Guidelines~~

Public comment opened at 3:46 p.m.

Judy Orias, former PC Chair: "sufficient" is too vague.

Tony Fisher, Attorney: Item 3, needs further drafting, too vague; warning is needed indicating review is concept level and not a binding approval.

Brian Cearnal, Architect: Item 1 states everything needed to make the finding; Item 2 is the same as Item 1 with additional language; Item 3 not needed; Item 4 is appropriate; Item 5 needs clearly indicate that the project is a conceptual design.

Public comment closed at 3:52 p.m.

Boards individual and collective comments:

All items: renumber Item 5 becomes Item 1; Item 1 becomes Item 2, etc.

Item #3: suggested change: define the specific types of resources, including art work.

Item #4 and #5: suggested change: due to potential conflict, consider reordering.

Item #4: concern: "sufficient" is too subjective.

Item #4: suggested change: development will have sufficient landscaping or other outdoor features.

Motion: Refer to the Ordinance Committee for adoption with the following comments:

The Board has some trepidation concerning the actual wording and ramification thereof, and wishes to review a revision based on its concerns, such as: 1) Duplicity of the item numbering and other frictional relationships between items; renumber item 5 as new item 1, renumber current items 1 through in sequence; 2) There is concern with the subjectivity of item 4 and how it relates to the use of "sufficient" 3) Identify specific resources in item 4.

Action: Zink/Mosel, 6/0/0. Manson-Hing/Aurell absent.

ATTACHMENT 2

HISTORIC LANDMARKS COMMISSION MINUTES OCTOBER 31, 2007

MISCELLANEOUS ACTION ITEM:

(1:45 PM)

Review and comment on draft findings for HLC project approvals and recommendation to forward findings to City Council for adoption.

Staff: Jaime Limon, Senior Planner

Public comment opened at 2:14 P.M.

Kellam De Forrest, a local resident, suggested that canopy trees and pedestrian access should be included on the plans.

Tony Fischer, a local attorney, made the following comments: 1) The second sentence, "subject to approval by the Planning Commission and Staff Hearing Officer" puts limitations on only those projects, and it does not clearly indicate whether or not the project is subject to future approval. 2) Findings need to be made at each step of the process, (concept, preliminary, and final) as a way to stay consistent with the Guidelines and if it is not mentioned at each stage, it could be interpreted as not being required, and that the findings could be made at other times. 3) He expressed concern as to why there was no mention of Chapter 22.22, Historic Structures, or the Charter Section which has language in it that may or may not be not be verbatim copied in the design guidelines. 4) He expressed his support of the change made in finding number three, which was to not have these findings only limited to landmarks and historic buildings.

The Historic Landmarks Commission suggested changes to the findings:

1) Mr. Hausz suggested that "Applicable Design Guidelines and Ordinances" should be added to the end of finding number five.

2) Mr. Pujo stated that the critical stage for mass, bulk, and scale are included in concept review so it is made early in the process. He claimed that, after that, the project does not usually grow, and that it would be redundant if it was again included in the other stages.

3) Mr. La Voie stated that at times, projects tend to change.

Mr. Limon stated that findings would be made at preliminary approval and at concept review it should be made clear as to why or why not the findings could be made.

Ms. Gantz suggested changing the wording of finding #3 to state that "the height of the development will be compatible with adjacent City Landmarks and historic resources," vs. "compatible with adjacent City Landmarks and historic buildings."

Public comment closed at 2:19 P.M.

Motion: To forward the item to the Ordinance Committee with the recommendation that the findings be adopted by City Council.

Action : Adams/ Boucher, 9/0/0. Motion carried.

A. CONSIDERATIONS OF THE ARCHITECTURAL BOARD OF REVIEW OR HISTORIC LANDMARKS COMMISSION WHEN REVIEWING PROJECTS THAT DO NOT REQUIRE APPROVAL FROM THE STAFF HEARING OFFICER, PLANNING COMMISSION, OR CITY COUNCIL.

When reviewing a project, the Architectural Board of Review or Historic Landmarks Commission shall consider the following subjects before granting preliminary approval:

1. **Compliance with Ordinances and General Consistency with Guidelines.** Does the proposed development comply with the City Charter and applicable City Ordinances? Is the project generally consistent with applicable Design Guidelines?
2. **Compatible with Architectural Character of City and Neighborhood.** Is the proposed development compatible with the distinctive architectural character of Santa Barbara and the surrounding neighborhood?
3. **Appropriate size, mass, bulk, height, and scale.** Is the size, mass, bulk, height, and scale of the proposed development appropriate for its location within the City?
4. **Sensitive to Adjacent Landmarks and Historic Resources.** Is the proposed development sensitive to adjacent City Landmarks and other historic resources; including historic structures, sites, and natural features?
5. **Public Views of the Ocean and Mountains.** Does the design of the proposed project respond appropriately to existing public views?
6. **Appropriate Amount of Open Space and Landscaping.** Does the proposed development include an appropriate amount of open space and landscaping?

B. CONSIDERATIONS OF THE ARCHITECTURAL BOARD OF REVIEW OR HISTORIC LANDMARKS COMMISSION AND OPPORTUNITY TO COMMENT WHEN REVIEWING PROJECTS THAT ALSO REQUIRE APPROVAL FROM THE STAFF HEARING OFFICER, PLANNING COMMISSION, OR CITY COUNCIL.

For projects that require an approval by the Staff Hearing Officer, Planning Commission, or City Council in addition to design review by the Architectural Board of Review or the Historic Landmarks Commission, the Architectural Board of Review or Historic Landmarks Commission shall consider the following subjects during conceptual review and may provide comments to the Staff Hearing Officer, Planning Commission, or City Council as deemed appropriate by the Architectural Board of Review or the Historic Landmarks Commission.

1. **Compliance with Ordinances and General Consistency with Guidelines.** Does the proposed development comply with the City Charter and applicable City Ordinances? Is the project generally consistent with applicable Design Guidelines?

2. **Compatible with Architectural Character of City and Neighborhood.** Is the proposed development compatible with the distinctive architectural character of Santa Barbara and the surrounding neighborhood?

3. **Appropriate size, mass, bulk, height, and scale.** Is the size, mass, bulk, height, and scale of the proposed development appropriate for its location within the City?

4. **Sensitive to Adjacent Landmarks and Historic Resources.** Is the proposed development sensitive to adjacent City Landmarks and other historic resources; including historic structures, sites, and natural features?

5. **Public Views of the Ocean and Mountains.** Does the design of the proposed project respond appropriately to existing public views?

6. **Appropriate Amount of Open Space and Landscaping.** Does the proposed development include an appropriate amount of open space and landscaping?

C. SUBJECTS FOR THE STAFF HEARING OFFICER, PLANNING COMMISSION, OR CITY COUNCIL TO CONSIDER WHEN REVIEWING PROJECTS; REVIEW OF COMMENTS BY ARCHITECTURAL BOARD OF REVIEW OR HISTORIC LANDMARKS COMMISSION.

When reviewing a project, the Staff Hearing Officer, Planning Commission, or City Council shall consider the following subjects and any comments from the Architectural Board of Review or Historic Landmarks Commission regarding these subjects:

1. **Compliance with Ordinances and General Consistency with Guidelines.** Does the proposed development comply with the City Charter and applicable City Ordinances? Is the project generally consistent with applicable Design Guidelines?

2. **Compatible with Architectural Character of City and Neighborhood.** Is the proposed development compatible with the distinctive architectural character of Santa Barbara and the surrounding neighborhood?

3. **Appropriate size, mass, bulk, height, and scale.** Is the size, mass, bulk, height, and scale of the proposed development appropriate for its location within the City?

4. **Sensitive to Adjacent Landmarks and Historic Resources.** Is the proposed development sensitive to adjacent City Landmarks and other historic resources; including historic structures, sites, and natural features?

5. **Public Views of the Ocean and Mountains.** Does the design of the proposed project respond appropriately to existing public views?

6. **Appropriate Amount of Open Space and Landscaping.** Does the proposed development include an appropriate amount of open space and landscaping?

D. CONSISTENCY OF REVIEW FOLLOWING APPROVAL BY THE STAFF HEARING OFFICER, PLANNING COMMISSION, OR CITY COUNCIL.

Once a project is approved by the Staff Hearing Officer, Planning Commission, or City Council, the Architectural Board of Review or Historic Landmarks Commission shall grant preliminary approval to the project if the plans presented to the Architectural Board of Review or Historic Landmarks Commission are in substantial conformance to the plans approved by the Staff Hearing Officer, Planning Commission, or the City Council, subject to any project revisions or other directions by the Staff Hearing Officer, Planning Commission, or the City Council.

CITY OF SANTA BARBARA

ORDINANCE COMMITTEE

FINISHED AGENDA

x = Attendees

DATE: February 12, 2008
TIME: 12:00 p.m.
PLACE: Council Chambers

x Das Williams, Chair
x Dale Francisco
x Grant House

Office of the City
Administrator

Office of the City
Attorney

Nina Johnson
Assistant to the City Administrator

x Stephen P. Wiley
City Attorney

x Lori Pedersen
Administrative Analyst

x Scott Vincent
Assistant City Attorney

x Jaime Limon, Senior Planner
x Bettie Weiss, City Planner

ITEM FOR CONSIDERATION

Subject: Project Compatibility Analysis

Recommendation that the Ordinance Committee:

- A. Review proposed amendments to the Architectural Board of Review Ordinance 22.68 and Historic Structures Ordinance 22.22 involving new project compatibility analysis tools; and
- B. Provide direction to staff and forward to Council for introduction and adoption.

The Committee heard a staff presentation and received public comment on the Project Compatibility Analysis. The Committee provided City Staff with direction with regards to the proposed amendments to the Architectural Board of Review Ordinance 22.68 and Historic Structures Ordinance 22.22.

The Ordinance Committee unanimously voted to bring back the draft revisions to the ordinance for final review.